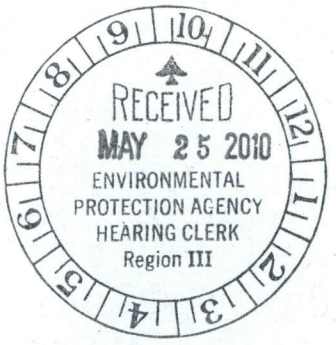
UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103



In Re:	)	
	)	
International Petroleum Corporation of Delaware	)	
d/b/a FCC Environmental	)	**Docket No. RCRA-03-2010-0225**
505 S. Market Street	)	
Wilmington, Delaware 19801,	)	
	)	
RESPONDENT.	)	**Proceeding Under Section**
	)	**3008(a) and (g) of the**
International Petroleum Corporation of Delaware	)	**Resource Conservation and**
505 S. Market Street	)	**Recovery Act, as amended,**
Wilmington, Delaware 19801	)	**42 U.S.C. § 6928(a) and (g)**
RCRA I.D. No DED984073692,	)	
	)	
FACILITY.	)	

I HEREBY CERTIFY THAT THE WITHIN IS A TRUE AND CORRECT COPY OF THE ORIGINAL Consent Agreement FILED IN THIS MATTER.

ATTORNEY FOR U.S. EPA

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("Complainant"), and International Petroleum Corporation of Delaware, d/b/a/ FCC Environmental (hereinafter "Respondent" or "IPC"), pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as "RCRA"), 42 U.S.C. § 6928(a) and (g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("*Consolidated Rules of Practice*"), 40 C.F.R. Part 22, including, specifically, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

2. The *Consolidated Rules of Practice*, at 40 C.F.R. § 22.13(b), provide, in pertinent part, that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding simultaneously may be commenced and concluded by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3). Pursuant thereto, this Consent Agreement ("CA") and the accompanying Final Order ("FO", collectively referred to herein as the "CAFO") simultaneously commences and concludes this administrative proceeding against Respondent.

3. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, the State of Delaware ("Delaware" and/or "State") has been granted final authorization to administer a state hazardous waste management program *in lieu* of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. The Delaware Regulations Governing Hazardous Waste (hereinafter "DRGHW"), initially were authorized by EPA pursuant to RCRA Section 3006, 42 U.S.C. § 6926, on June 8, 1984, effective June 22, 1984 (53 Fed. Reg. 23837). EPA authorized certain revisions to the DRGHW on the following dates: August 8, 1996, effective October 7, 1996 (61 Fed. Reg. 41345); August 18, 1998, effective October 19, 1998 (63 Fed. Reg. 44152); July 12, 2000, effective September 11, 2000 (65 Fed. Reg. 42871); August 8, 2002, effective August 8, 2002 (67 Fed. Reg. 51478); March 4, 2004, effective May 3, 2004 (69 Fed. Reg. 10171); and October 7, 2004, effective December 6, 2004 (69 Fed. Reg. 60091). The State of Delaware administers its authorized, revised hazardous waste management program in lieu of the federal program. The authorized provisions of the State's revised hazardous waste management program, DRGHW Parts 122, 124, and 260-279 (which became effective between July 1, 2002 and August 21, 2004), have become requirements of RCRA Subtitle C and, accordingly, are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. Section 6928(a).

4. The factual allegations and legal conclusions in this CA are based upon Delaware's federally-authorized hazardous waste management program requirements and cite to the DRGHW provisions in effect at the time of the violations alleged herein

5. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes the assessment of a civil penalty against any person who violates any requirement of Subtitle C of RCRA. Respondent is hereby notified of EPA's determination that Respondent has violated RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, and federally-authorized DRGHW requirements at its facility located at 505 S. Market Street, Wilmington, Delaware 19801 (hereinafter, the "Facility").

Advance Notice to the State

6. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), and by written letter dated December 10, 2009, EPA notified the State, through its Department of Natural Resources and Environmental Control ("DNREC"), of EPA's intent to commence this administrative action against Respondent in response to the violations of RCRA Subtitle C that are alleged herein.

II. GENERAL PROVISIONS

7. Respondent admits the jurisdictional allegations set forth in this CAFO.

8. Respondent neither admits nor denies the specific factual allegations or the conclusions of law contained in this CAFO, except as provided in the paragraph immediately above.

9. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement of the CAFO.

10. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this CA and any right to appeal the accompanying FO.

11. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.

12. Respondent shall bear its own costs and attorney's fees.

13. The provisions of this CAFO shall be binding upon Complainant and upon Respondent, its officers, directors, employees, successors and assigns.

14. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit; nor does this CAFO constitute a waiver, suspension or modification of the requirements of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, or any regulations promulgated and/or authorized thereunder.

III. EPA FINDINGS OF FACT AND CONCLUSIONS OF LAW

15. In accordance with the *Consolidated Rules of Practice* at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the following findings of fact and conclusions of law:

16. Respondent is a Delaware corporation that is headquartered at 505 S. Market Street, Wilmington, Delaware 19801 and is registered to do business in the State of Delaware.

17. Respondent collects, blends and recycles petroleum products and petroleum-contaminated water at the Facility. Respondent also purchases and delivers low aromatic mineral spirits to customers for use in parts cleaner units and then collects and accumulates spent mineral spirits that meet certain required specifications in a box trailer at the Facility for subsequent (and DNREC-approved) reuse.

18. Respondent is a "person" as that term is defined in RCRA Section 1004(15), 42 U.S.C. § 6903(15), and DRGHW § 260.10.

19. At all times relevant to this CAFO, Respondent has been the "owner" and "operator" of the Facility, as those terms are defined in DRGHW § 260.10.

20. Respondent is and, at all times relevant to this CAFO has been, a "used oil processor/refiner" and a "used oil transporter" as these terms are defined in DRGHW § 279.1.

21. The Facility is and, at all times relevant to this CAFO has been, a "used oil transfer facility" as that term is defined in DRGHW § 279.1.

22. At times relevant to this CAFO, and as described further below, Respondent engaged in the "storage" of "solid waste", "hazardous waste" and "universal waste", as these terms are defined in DRGHW § 260.10, at the Facility.

23. At the time of the July 23, 2009 CEI, the Facility was a "facility" or "hazardous waste management (HWM) facility" as these interchangeable terms are defined in DRGHW § 260.10.

24. On July 23, 2009, a duly authorized representative of EPA conducted a Compliance Evaluation Inspection ("CEI") of the Facility to assess the Respondent's compliance with federally-authorized DRGHW requirements.

25. Subsequent to the CEI, EPA sent both informal and formal (i.e., pursuant to the authority of RCRA § 3007(a), 42 U.S.C. § 6927(a)) written requests for information to IPC representatives seeking additional information regarding certain of Respondent's management practices at the Facility and requesting the production of specified documents and information.

26. IPC representatives responded promptly and in writing to each of EPA's several requests for information.

27. On January 26, 2010, EPA sent a Notice of Noncompliance and Request to Show Cause letter ("NON") to the Facility advising Respondent of EPA's preliminary findings of federally-authorized DRGHW violations at the Facility and offering the Respondent an opportunity to provide such additional information as it believed the Agency should review and consider before reaching any final conclusions pertaining to the Respondent's compliance at the Facility.

28. In a meeting held on February 23, 2010, representatives of the Respondent discussed the preliminary conclusions set forth in the NON with EPA representatives.

29. On the basis of the July 23, 2009 CEI and upon supplemental information provided by the Respondent in response to EPA's formal and informal requests for information, Complainant concludes that Respondent has violated certain requirements and provisions

of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, and federally-authorized DRGHW requirements promulgated thereunder.

COUNT I
Storage of Hazardous Waste Without a Permit

30. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and DRGHW § 122.1(c), no person may own or operate a facility for the treatment, storage or disposal of hazardous waste without first obtaining a permit or interim status for such facility, except that, pursuant to DRGHW § 262.34, *generators* of hazardous waste who accumulate hazardous waste for less than 90 days are exempt from the requirement to obtain a permit for such accumulation, so long as the hazardous waste is stored in accordance with a number of conditions set forth in that section.

31. From July 9, 2009 through August 18, 2009, Respondent stored on-site at the Facility, in an area adjacent to the Facility's old maintenance shop:

a. six closed and weathered 30-gallon drum containers of D001 hazardous waste off-specification parts washer solvent generated by one or more of Respondent's customers;

b. an open and partially full 55-gallon drum container of D001 hazardous waste paint cans and used absorbent material.

32. Respondent asserts that it mistakenly transported the containers identified in the preceding paragraph to the Facility in the belief that the contents were either used oil or non-hazardous spent mineral spirits that met DNREC-approved requirements for reuse.

33. Respondent further asserts that it was not immediately able to ascertain the hazardous waste content of the containers identified in the two preceding paragraphs, or to return those containers immediately to their respective generator(s), because the containers were missing their associated packing slips.

34. Respondent does not qualify for the hazardous waste "*generator*" exemptions of DRGHW § 262.34 because Respondent was not the generator of the seven containers of D001 hazardous waste that are identified in the three preceding paragraphs and which Respondent stored on-site at the Facility.

35. Respondent has never been issued a permit for, and did not, at any time, have interim status for, the storage of hazardous waste at the Facility pursuant to the requirements of Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), or DRGHW Part 122.

36. Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and DRGHW § 122.1(c) by operating of a hazardous waste storage facility without a permit, interim status or valid exemption to the permitting/interim status requirements.

COUNT II
Failure to Perform Waste Analysis

37. The allegations of paragraphs 1 through 36 of this CA are incorporated herein by reference as though fully set forth at length.

38. DRGHW § 264.13(a)(1) provides that: "[b]efore an owner or operator treats, stores, or disposes of any hazardous wastes, he must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with this part [264] and Part 268 of these regulations."

39. Respondent violated DRGHW § 264.13(a)(1) by storing the seven containers of D001 hazardous waste identified and described in Paragraph 31, above, at the Facility without first obtaining a detailed chemical and physical analysis of a representative sample of the wastes and without having all the information which must be known to treat, store, or dispose of such waste in accordance with DRGHW Parts 264 and 268.

COUNT III
Failure to Provide Annual Hazardous Waste Training

40. The allegations of paragraphs 1 through 39 of this CA are incorporated herein by reference as though fully set forth at length.

41. DRGHW § 264.16(a)(1) requires, *inter alia*, that "[f]acility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensure [sic] facility's compliance with the requirements of this part [264]."

42. DRGHW § 264.16(c) further provides that "[f]acility personnel must take part in an annual review of the initial training required in paragraph (a) of this section [264.16]."

43. At the time of the July 23, 2009 CEI, one Facility employee whose recorded duties included the training of other Facility employees responsible for the management of hazardous waste at the Facility, did not receive an annual review of the required initial training during calendar year 2006.

44. Respondent violated DRGHW § 264.16(c) by failing to ensure that a Facility employee took part in an annual review of the initial training required pursuant to DRGHW §264.16(a) in calendar year 2006.

COUNT IV
Failure to Keep Container of Hazardous Waste Closed During Storage

45. The allegations of paragraphs 1 through 44 of this CA are incorporated herein by reference as though fully set forth at length.

46. DRGHW § 264.173(a) requires that: "[a] container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste."

47. At the time of the July 23, 2009 CEI, the 55-gallon drum container of D001 hazardous waste paint cans and used absorbent material previously identified and described in subparagraph 31.b., above, was open at a time when it was not necessary to add or remove waste from the container.

48. Respondent violated DRGHW § 264.173(a) by storing an open container of D001 hazardous waste on-site at the Facility at a time when it was not necessary to add or remove waste from the container.

COUNT V
Improper Management of Universal Waste Lamps

49. The allegations of paragraphs 1 through 48 of this CA are incorporated herein by reference as though fully set forth at length.

50. DRGHW § 273.13(d)(1) requires that: "[a] small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows: (1) A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

51. DRGHW § 273.14(e) also requires that: "[e]ach lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

52. DRGHW § 273.15(a) further provides that: "[a] small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal

waste is generated, or received from another handler, unless the requirements of paragraph (b) of this section are met.

53. DRGHW § 273.15(b) thereafter provides that: "[a] small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal." However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal.

Failure to Contain Universal Waste Lamps in Closed Packages

54. At all times relevant to the allegations in this CA, Respondent has been a small quantity handler of universal waste.

55. At the time of the July 23, 2009 CEI, Respondent was storing un-contained universal waste lamps and open cardboard containers of universal waste lamps in the old maintenance shop and storage area of the Facility.

56. Respondent violated DRGHW § 273.13(d)(1) by storing un-contained universal waste lamps and open cardboard containers of universal waste lamps in the Facility's old maintenance shop and storage area on July 23, 2009.

Failure to Properly Label or Mark Universal Waste Lamps and Containers

57. At the time of the July 23, 2009 CEI, the universal waste lamps that Respondent was storing in the Facility's old maintenance shop and storage area were either wholly unlabled or were in cardboard containers that were not labeled with any of the required "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)" phrases.

58. Respondent violated DRGHW § 273.14(e) by failing to label or mark either the universal waste lamps or the universal waste lamp containers that were in storage at the Facility's old maintenance shop and storage area on July 23, 2009 with any of the required phrases.

Failure to Comply with Universal Waste Lamp Accumulation Time Limits

59. The universal waste lamps identified and described in Paragraph 55, above, were accumulated and stored on-site at the Facility by the Respondent from March, 2008 (when Facility ownership was transferred to the Respondent and the universal waste lamps were received from another handler) through August 18, 2009, a time period that is in excess of one year.

60. Respondent's March, 2008 through August 18, 2009 accumulation of universal waste lamps at the Facility was not solely for the purpose of accumulating such quantities of universal waste as were necessary to facilitate proper recovery, treatment or disposal.

61. Respondent violated DRGHW § 273.15(a) by accumulating universal waste for longer than one year from the date the universal waste was generated or received from another handler.

COUNT VI
Failure to Comply with General Facility Standards for Owners and Operators of Used Oil Processors and Re-finers

62. The allegations of paragraphs 1 through 61 of this CA are incorporated herein by reference as though fully set forth at length.

63. Pursuant to DRGHW § 279.1, the term "used oil" means "any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

64. DRGHW § 279.52(a)(1), which is applicable to owners and operators of used oil processors and re-finers, provides that: "[f]acilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment."

65. Respondent operates the Facility as a used oil processing facility and a portion of its operations include collecting and consolidating (terne and non-terne plated) used oil filters that are generated by its customers. Such used oil filter waste stream is managed as "used oil", as that term is defined in DRGHW § 279.1.

66. At the time of the July 23, 2009 CEI, Respondent was storing at the used oil container storage areas located outside of the Facility's old maintenance shop: one open container of "used oil"; one open container of non-terne plated automotive spin-on oil filters containing "used oil"; and thirteen open containers of a "used oil" and water mixture, as the term "used oil" is defined at DRGHW § 279.1.

67. The fifteen open containers of "used oil" at the Facility, identified and described in the preceding Paragraph, were open, with the contents readily visible. Such containers were not being managed so as to minimize the possibility of a fire, an explosion, an unplanned sudden or non-sudden release of "used oil" to the air, soil, or surface water, which could threaten human health or the environment.

68. Respondent violated DRGHW § 279.52(a)(1) by failing to maintain and operate the Facility to minimize the possibility of an unplanned sudden or non-sudden release of "used oil" to air, soil, or surface water which could threaten human health or the environment.

COUNT VII
Failure to Label Containers of Used Oil

69. The allegations of paragraphs 1 through 68 of this CA are incorporated herein by reference as though fully set forth at length.

70. DRGHW § 279.54(f)(1) requires that: "[c]ontainers and above ground tanks used to store or process used oil at processing and re-refining facilities must be labeled or marked clearly with the words "Used Oil."

71. At the time of the July 23, 2009 CEI, Respondent was storing:

a. one 55-gallon container of non-terne plated automotive spin-on oil filters containing "used oil" and twenty-three 55-gallon containers of bilge water (which is a mixture of "used oil", fuel and water) in the Wilmington Barrels Only used oil container storage area of the Facility;

b. three 55-gallon containers of "used oil" in the Bayonne Barrels Only used oil container storage area of the Facility; and

c. thirteen containers containing a mixture of "used oil" and accumulated rainwater.

72. Each of the containers identified and described in the preceding Paragraph contained "used oil", as that terms is defined at DRGHW § 279.1, and was not labeled with the words "Used Oil" at the time of the July 23, 2009 CEI.

73. Respondent violated DRGHW § 279.54(f)(1) by failing to label or mark clearly with the words "Used Oil": (i) twenty-four containers of "used oil" stored at the Wilmington Barrels Only used oil container storage area of the Facility; (ii) three containers of "used oil" stored at the Bayonne Barrels Only used oil container storage area of the Facility; and (iii) thirteen containers of "used oil" stored directly across from the Wilmington Barrels Only used oil storage area of the Facility.

IV. CIVIL PENALTIES

74. Respondent agrees to pay a civil penalty in the amount of **Thirty Seven Thousand Five Hundred Dollars ($37,500.00)**, in settlement and satisfaction of all civil claims for

penalties which Complainant may have concerning the violations alleged and set forth in Section III ("EPA Findings of Fact and Conclusions of Law") of this CA. Such civil penalty shall become due and payable immediately upon Respondent's receipt of a true and correct copy of the CAFO. In order to avoid the assessment of interest, administrative costs and late payment penalties in connection with such civil penalty, Respondent must pay such civil penalty no later than thirty (30) calendar days after the date on which this CAFO is mailed or hand-delivered to Respondent.

75. The civil penalty settlement amount set forth in the preceding Paragraph was determined after consideration of the statutory factors set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to: EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003 ("RCRA Civil Penalty Policy"), which reflects the statutory penalty criteria and factors set forth at Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6928(a)(3) and (g); the appropriate *Adjustment of Civil Monetary Penalties for Inflation,* pursuant to 40 C.F.R. Part 19, the December 29, 2008 memorandum by EPA Assistant Administrator Grant Y. Nakayama, entitled *Amendments to EPA's Civil Penalty Policies to Implement the 2008 Civil Monetary Penalty Inflation Adjustment Rule* (Effective January 12, 2009) (hereinafter "Nakayama Memo"). Pursuant to 40 C.F.R. Part 19, and as provided in the Nakayama Memo: penalties for RCRA violations occurring after January 30, 1997 were increased by 10% to account for inflation, not to exceed a $27,500.00 per violation statutory maximum penalty; penalties for RCRA violations occurring after March 15, 2004 and before January 13, 2009 were increased by an additional 17.23% to account for subsequent inflation, not to exceed a $32,500.00 per violation statutory maximum penalty; and penalties for RCRA violations occurring after January 12, 2009 have been increased by an additional 9.83% to account for subsequent inflation, not to exceed a $37,500.00 per violation statutory maximum penalty. Certain of the violations herein alleged occurred between March 15, 2004 and January 13, 2009 and others occurred or continued after January 12, 2009. The civil penalty settlement amount set forth in the preceding Paragraph was determined in consideration of the applicable penalty inflation adjustments, pursuant to 40 C.F.R. Part 19, and as provided in: the revised RCRA Civil Penalty Policy matrices annexed to the January 11, 2005 memorandum by EPA Office of Regulatory Enforcement, RCRA Enforcement Division Director Rosemarie Kelly, entitled *Revised Penalty Matrices for the RCRA Civil Penalty Policy*; and the adjusted RCRA Civil Penalty Policy Matrices annexed to November 16, 2009 memorandum by EPA Office of Civil Enforcement, Waste and Chemical Enforcement Division Director Rosemarie A. Kelly, entitled *Adjusted Penalty Matrices based on the 2008 Civil Monetary Penalty Inflation Adjustment Rule.*

76. Payment of the civil penalty as required by paragraph 74, above, shall be made by either cashier's check, certified check, or electronic wire transfer, in the following manner:

a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action (***Docket No. RCRA-03-2010-0225)***;

b. All checks shall be made payable to "**United States Treasury**";

c. All payments made by check and sent by Regular U.S. Postal Service Mail shall be addressed and mailed to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Contact: Craig Steffen - (513-487-2091)
Eric Volck - (513-487-2105)

d. All payments made by check and sent by Private Commercial Overnight Delivery service shall be addressed and mailed to:

U.S. Environmental Protection Agency
Fines and Penalties
U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Craig Steffen - (513-487-2091)
Eric Volck - (513-487-2105)

e. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

(Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency")

g. All electronic payments made through the automated clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format
Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact for ACH: John Schmid - (202-874-7026)

h. On-Line Payment Option:

WWW.PAY.GOV

Enter sfo 1.1 in the search field.

Open form and complete required fields.

77. At the time of payment, Respondent simultaneously shall send a notice of such payment, including a copy of the check or electronic fund transfer, as applicable, to:

Ms. Lydia Guy
Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029;

and

A.J. D'Angelo
Sr. Assistant Regional Counsel (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

78. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this CAFO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

79. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a true and correct copy of this CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

80. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a $15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional $15.00 for each subsequent thirty (30) days the penalty remains unpaid.

81. A late payment penalty of six percent (6%) per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). The late payment penalty on any portion of the civil penalty that remains delinquent more than ninety days shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

82. The Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this CAFO.

V. CERTIFICATIONS

83. Respondent certifies to Complainant by its signature hereto, to the best of Respondent's knowledge and belief, that Respondent and the Facility currently are in compliance with all relevant provisions of the federally-authorized DRGHW, and of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, for which violations are alleged in this CA.

VI. OTHER APPLICABLE LAWS

84. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed upon it by applicable federal, state, or local law and/or regulation.

VII. RESERVATION OF RIGHTS

85. This CAFO resolves only EPA's claims for civil penalties for the specific violations which are alleged in this CA. Nothing in this CAFO shall be construed as limiting the authority of EPA to undertake action against any person, including the Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the *Consolidated Rules of Practice.* Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO following its filing with the Regional Hearing Clerk.

VIII. FULL AND FINAL SATISFACTION

86. This settlement shall constitute full and final satisfaction of all civil claims for penalties which Complainant has under RCRA Section 3008(a) and (g), 42 U.S.C. § 6928(a) and (g), for the violations alleged in this CA.

IX. PARTIES BOUND

87. This CA and the accompanying FO shall apply to and be binding upon the EPA, the Respondent, Respondent's officers and directors (in their official capacity) and Respondent's successors and assigns. By his or her signature below, the person signing this CA on behalf of Respondent acknowledges that he or she is fully authorized to enter into this CA and to bind the Respondent to the terms and conditions of this CA and the accompanying FO.

X. EFFECTIVE DATE

88. The effective date of this CAFO is the date on which the FO is filed with the Regional Hearing Clerk after signature by the Regional Administrator or his designee, the Regional Judicial Officer.

XI. ENTIRE AGREEMENT

89. This CAFO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CAFO.

For Respondent International Petroleum Corporation of Delaware, d/b/a FCC Environmental:

Date: 5/3/10 By: Kenneth D. Cherry

Kenneth D. Cherry
Executive Vice President and General Manager
International Petroleum Corporation of Delaware

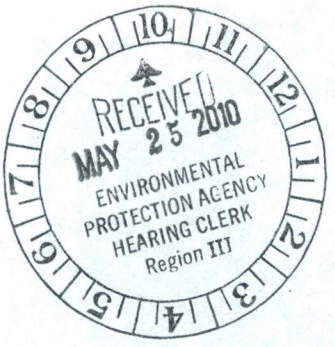
For the Complainant: U.S. Environmental Protection Agency, Region III

Date: 5/11/2010 By: _____
A.J. D'Angelo
Sr. Assistant Regional Counsel

After reviewing the EPA Findings of Fact, Conclusions of Law and other pertinent matters, the Land and Chemicals Division of the United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached FO.

Date: 5/13/10 By: _____
Abraham Ferdas, Director
Land and Chemicals Division

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103



In Re:	)	
	)	
International Petroleum Corporation of Delaware	)	
d/b/a FCC Environmental	)	**Docket No. RCRA-03-2010-0225**
505 S. Market Street	)	
Wilmington, Delaware 19801,	)	
	)	
RESPONDENT.	)	**Proceeding Under Section**
	)	**3008(a) and (g) of the**
International Petroleum Corporation of Delaware	)	**Resource Conservation and**
505 S. Market Street	)	**Recovery Act, as amended,**
Wilmington, Delaware 19801	)	**42 U.S.C. § 6928(a) and (g)**
RCRA I.D. No DED984073692,	)	
	)	
FACILITY.	)	

I HEREBY CERTIFY THAT THE WITHIN IS A TRUE AND CORRECT COPY OF THE ORIGINAL Final Order FILED IN THIS MATTER.

ATTORNEY FOR U.S. EPA

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondent, International Petroleum Corporation of Delaware (d/b/a/ FCC Environmental), have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits ("*Consolidated Rules of Practice*"), 40 C.F.R. Part 22, with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

NOW, THEREFORE, pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as Resource Conservation and Recovery Act of 1976, as amended, *inter alia*, by the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as "RCRA"), 42 U.S.C. § 6928(a) and (g), and the *Consolidated Rules of Practice*, after having determined, based on the representations of the Parties set forth in the Consent Agreement, that the civil penalty of Thirty Seven Thousand Five Hundred Dollars ($37,500.00) agreed to therein was based upon a consideration of the factors set forth in RCRA Section 3008(a), 42 U.S.C. § 6928(a), IT IS HEREBY ORDERED that Respondent pay a civil monetary penalty of Thirty Seven Thousand Five Hundred Dollars ($37,500.00), in accordance with the provisions of the foregoing Consent Agreement, and comply timely with each of the additional terms and conditions thereof.

The effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

5/25/10
Date

Renée Sarajian
Regional Judicial Officer
U.S. Environmental Protection Agency, Region III

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103

In Re:	)	
	)	
International Petroleum Corporation of Delaware	)	
d/b/a FCC Environmental	)	**Docket No. RCRA-03-2010-0225**
505 S. Market Street	)	
Wilmington, Delaware 19801,	)	
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RESPONDENT.	)	**Proceeding Under Section**
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International Petroleum Corporation of Delaware	)	**Resource Conservation and**
505 S. Market Street	)	**Recovery Act, as amended,**
Wilmington, Delaware 19801	)	**42 U.S.C. § 6928(a) and (g)**
RCRA I.D. No DED984073692,	)	
	)	
FACILITY.	)	

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I caused to be hand-delivered to Ms. Lydia Guy, Regional Hearing Clerk (3RC00), U.S. EPA Region III, 1650 Arch Street, 5th Floor, Philadelphia, PA 19103-2029, the original and one copy of the foregoing Consent Agreement and of the accompanying Final Order. I further certify that on the date set forth below, I caused true and correct copies of the same to be mailed via Certified Mail, Return Receipt Requested, Postage Prepaid, to the following persons at the following addresses:

Mr. W. Harding Drane, Jr., Esq.
Potter, Anderson & Carroon, LLP
1313 North Market Street
P.O. Box 951
Wilmington, DE 19899-0951
(Article No. 7004 2890 0000 5075 7033)

MAY 25 2010
Date

A.J. D'Angelo (3RC30)
Sr. Assistant Regional Counsel
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Tel. (215) 814-2480